

Customer No.: 24498
Attorney Docket No. PF030028
Office Action dated: July 21, 2008

PATENT**REMARKS**

The Office Action mailed July 21, 2008 has been reviewed and carefully considered.
No new matter has been added.

Claims 1, 13, 19, and 22 have been amended. New Claims 23-26 have been added.
Claims 1-13 and 15-26 are pending.

Claims 1-13 and 15-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,904,522 to Bernardeau et al. (hereinafter "Bernardeau").

As noted above, Claims 1, 13, 19, and 22 have been amended. Support for the amendments to Claims 1 and 13 may be found at least at Figure 2 and the corresponding text of the Applicants' specification. Support for the amendments to Claims 19 and 21 may be found at least at page 5, lines 27-30 and page 6, lines 27-28 of the Applicants' specification.

It is respectfully asserted that Bernardeau does not teach or suggest the following limitations of Claim 1:

a master digital terminal and at least one slave digital terminal adapted to generally simultaneously receive protected digital data from a transmitter, the at least one slave digital terminal being connected to the master terminal by a link,

wherein said at least one slave digital terminal actively blocks if information necessary for accessing said protected digital data and received by the master digital terminal is not received by way of said link by the slave digital terminal within a predetermined deadline.

Further, it is respectfully asserted that Bernardeau does not teach or suggest the following limitations of Claim 13:

A digital terminal intended to receive protected digital data from a transmitter generally simultaneously with a second digital terminal, wherein the digital terminal actively blocks if information necessary for accessing said data and received by the second digital terminal to which it can be connected, is not received from this other terminal within a predetermined deadline.

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The Examiner has cited column 3, lines 24-29, column 13, lines 10-33, and column 15, lines 26-32 of Bernardeau as disclosing the previous (prior to the instant amendment) limitations of Claims 1 and 13. The Applicants respectfully disagree that the preceding portions of Bernardeau teach or suggest the above recited limitations of Claims 1 and 13. In particular, applicants submit that the "blocking" by Bernardeau as interpreted by the examiner is distinguishable from the blocking recited in the present claims.

For example, column 3, lines 24-29 of Bernardeau disclose the following:

In one embodiment, the session key is used by the first device to encrypt control word information subsequently communicated to the second device. In such an embodiment, the second device decrypts the control word information using the equivalent session key and thereafter descrambles an associated transmission or programme for display.

Column 13 lines 10-33 of Bernardeau disclose the following:

Secure Communication between Decoders

As set out in the introduction, in order to avoid problems relating to management of subscription data, it is desirable that only a single subscription is opened for the owner of the two decoders 12, 50. In the case where the decoder 12 is the principal or first decoder in the system, smart card 30 will be personalised to receive the monthly exploitation key Kex as described above in relation to FIG. 3. In order to enable the decoder 50 to descramble and display a transmission via the display 55 it will be necessary to communicate certain information from the security module 30 to the security module 52 to enable this descrambling to be carried out. In the present embodiment, the smart card 30 decrypts the ECM messages associated with a transmission so as to obtain the control word CW value. This control word value is then communicated in an encrypted form via the link 51 to the decoder 50 and smart card 52, where it is used by the decoder 50 and smart card 52 to descramble the transmission and display the programme via the display 55. Embodiments other than this control word embodiment may nevertheless be envisaged, for example, in which a copy of the monthly exploitation Kex is

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passed to the decoder and smart card 50, 52 to enable the decoder 50 to operate independently thereafter.

Column 15, lines 26-32 of Bernardeau disclose the following:

The encrypted control word is returned to the decoder 50 and card 52 as shown at 83. Using the equivalent session key K_s shown at 84, the card decrypts the message at 85 to obtain the control word in clear shown at 86. Thereafter, this control word value is used by the decoder and card 50, 52 to descramble the associated section of a transmission for subsequent display on the associated television display 55.

Thus, Bernardeau simply discloses that his decoder will unblock when it receives the information, regardless of when this happens.

In contrast, Claims 1 and 13 recite, *inter alia*, that the digital terminal actively blocks. For example, element 206 of Figure 2 of the Applicants' specification discloses "[s]top await new entitlements" (emphasis added), and page 7, lines 1-3 of the Applicants' specification disclose "[a]ccording to the principle of the invention, if the response from the master terminal 1 is not received within a due deadline (maximum deadline Δt), the slave decoder is blocked (step 206)...." In one illustrative embodiment, the slave terminal may actively block by cancelling stored information necessary for access (see, e.g., p. 6, lines 15-18 of the Applicant's specification). The cited references do not disclose or suggest such active blocking. Hence, in accordance with the present principles as claimed, the digital terminal does not unblock if it receives the EMM after this point. Accordingly, this feature of active blocking is not disclosed or suggested by Bernardeau. The claims have been amended to more clearly and distinctly recite this feature.

Hence, Bernardeau does not teach or suggest all the above recited limitations of amended Claims 1 and 13.

Moreover, it is respectfully asserted that Bernardeau does not teach or suggest the following limitations of Claims 19 and 22:

wherein the information necessary for accessing said protected digital data comprises filter parameters for extracting from the data stream received

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by the slave digital terminal a message containing access entitlements to the services for the slave digital terminal, and

wherein the at least one slave digital terminal comprises filters that use the filter parameters to extract the message containing the access entitlements

In contrast, Bernardeau actually does not filter anything, but rather simply tries to decrypt data. That is, it is respectfully asserted that decrypting data as disclosed by Bernardeau does not corresponding to filtering as recited in Claims 19 and 22. Hence, Bernardeau also does not teach or suggest all of the above recited limitations of Claims 19 and 22.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Claims 1, 13, 19, and 22 are patentably distinct and non-obvious over Bernardeau for at least the reasons set forth above.

Claims 2-12, 15, 17, 20, and 21 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Claims 16 and 18 depend from Claim 13 or a claim which itself is dependent from Claim 13 and, thus, includes all the elements of Claim 13. Accordingly, Claims 2-12, 15, 17, 20, and 21 are patentably distinct and non-obvious over Bernardeau for at least the reasons set forth above with respect to Claim 1, Claims 16 and 18 are patentably distinct and non-obvious over Bernardeau for at least the reasons set forth above with respect to Claim 13.

Thus, reconsideration of the rejection is respectfully requested.

As noted above, new Claims 23-26 have been added.

Support for Claim 23 may be found at least at the following portions of the Applicants' specification (emphasis added): page 7, lines 4-9 ("It will be noted that the frequency of sending of the EMMs may be small (**one or more days**). Moreover, the maximum due deadline Δt should be long enough for the digital terminals to have time to process the information and short enough for a delay introduced by an intermediary of Internet Network type to be prohibitive and to block the slave terminal. A deadline Δt of the order of a **second** may for example be suitable").

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Support for Claim 24 may be found at least at the following portions of the Applicants' specification: page 7, lines 5-9 ("Moreover, the maximum due deadline Δt should be ... short enough for a delay introduced by an intermediary ... to be prohibitive....").

Support for Claim 25 may be found at least at the following portions of the Applicants' specification: page 6, lines 15-18 ("slave digital terminal 2 ... erases all or part of the entitlements from his smart card 25."); and page 7, lines 16-18 ("slave terminal 2 ... cancels all the part of the entitlements of its card 25.").

Support for Claim 26 may be found at least at the following portions of the Applicants' specification: page 6, lines 31-33 ("The module 17 enciphers the message « EMM (Slave Entitlements) » with the secret key before dispatching it over the link 3 and the module 27 decipheres it with the secret key when it receives it."); and element 27 of slave terminal 2 in Figure 2.

Dependent Claims 23-25 depend from Claim 1 and, thus, include all the elements of Claim 1. Moreover, dependent Claim 26 depends from Claim 19 and, thus, includes all the elements of Claim 19. Accordingly, Claims 23-25 and 26 are patentably distinct and non-obvious over Bernardeau for at least the reasons set forth above with respect to Claims 1 and 19, respectively.

Moreover, independent Claims 23-26 include patentable subject matter in and of themselves and are, thus, patentably distinct and non-obvious over Bernardeau in their own right. For example, Bernardeau does not teach or suggest the following limitations of Claim 23: "wherein the information necessary for accessing is subject to a validity period, and wherein the predetermined deadline is equal to a second while the validity period is one or more days".

Further, Bernardeau does not teach or suggest the following limitations of Claim 24: "wherein the predetermined deadline is such that a delay introduced by an intermediary is prohibitive with respect to accessing said protected digital data."

Also, Bernardeau does not teach or suggest the following limitations of Claim 25: "wherein the at least one slave digital terminal actively blocks by cancelling stored information necessary for access".

Additionally, Bernardeau does not teach or suggest the following limitations of Claim 26: "wherein the slave digital terminal decrypts the extracted message".

Rather, Bernardeau is silent with respect to the preceding limitations of Claims 23-26. For example, with respect to Claim 26, if assuming arguendo that deciphering as disclosed by Bernardeau corresponds to filtering as recited in Claim 26, then Bernardeau does not (and

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cannot) "filter" twice.

Accordingly, Bernardeau does not teach or suggest the above-recited limitations of Claims 23-26.

Thus, new Claims 23-26 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.


In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of July 21, 2008 be withdrawn, that pending claims 1-13 and 15-26 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,
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